

Message Text

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INFO OCT-01 ISO-00 /031 R

DRAFTED BY ARA/PAN:HLSTEIN:EMM

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ARA/PAN:PFMORRIS

ARA:WGBOWDLER

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ARA-LA/GC:ILEVY

ARA/LA/PAN:RCAMAUR

AA/LA:HKLEINE

S/S-WHLUERS

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FM SECSTATE WASHDC

TO AMEMBASSY PANAMA

C O N F I D E N T I A L STATE 029161

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EXDIS

E.O. 11652:GDS

TAGS: PN, US, CU, EAID, PFOR

SUBJECT: CUBA TRADE: PANAMANIAN FLAG VESSELS ALLEGEDLY
STOP AT CUBAN PORT

REFERENCE: A. STATE 191557; B. PANAMA 4973; C. STATE
195567; D. PANAMA 6630; E. STATE 269173;
F. STEIN-BLACKEN LETTER OF JANUARY 27, 1975.

1. DEPARTMENT HAS OFFICIAL INFORMATION THAT TWO
PANAMANIAN FLAG MERCHANT SHIPS CALLED AT HAVANA AND OFF-
LOADED FOODSTUFFS RECEIVED IN CANADA. ACCORDING TO THE
FIRST REPORTS RECEIVED, ONE SHIP, OLSTENKAMP, PICKED
UP CARGO IN MONTREAL ON OCTOBER 31, 1974 AND OFF-LOADED
IT IN HAVANA ON NOVEMBER 7; THE OTHER SHIP, HOLSTENLAND,
LOADED IN ST. JOHN ON NOVEMBER 1 AND OFF-LOADED IN HAVANA
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ON NOVEMBER 8. IN CONFIRMING THIS INFORMATION DEPARTMENT

APPRISED THAT SHIPS WERE IN HAVANA AGAIN IN DECEMBER.

2. ACCORDING TO NAVAL OCEAN SURVEILLANCE INFORMATION CENTER (NOSIC) THE TWO VESSELS WERE FORMERLY HNDER LIBERIAN REGISTRY BUT MORE RECENT INFORMATION INDICATES VESSELS ARE NOW REGISTERED IN PANAMA. MOREOVER, VESSELS WERE APPARENTLY ALREADY UNDER PANAMANIAN REGISTRY AT TIME OF NOVEMBER STOPS.

3. DEPARTMENT UNDERSTANDS THAT THE GOP IS AWARE OF POTENTIAL LEGAL CONSEQUENCES OF VISITS AND DISCHARGE OF CARGO BY PANAMANIAN VESSELS IN CUBA. DEPARTMENT UNDERSTOOD THAT GOP WOULD TAKE APPROPRIATE STEPS TO PREVENT SHIPS UNDER THEIR REGISTRY FROM ENGAGING IN CUBAN TRADE. POSSIBILITY EXISTS, OF COURSE, THAT STOPS IN CUBA WERE COUNTER TO EXISTING GOP POLICY AND/OR REGULATIONS AND WERE DUE TO CONFUSION ARISING FROM THE RECENT CHANGE IN VESSELS' REGISTRY FROM LIBERIAN TO PANAMANIAN. IT MAY BE THAT VESSELS' OWNER HAD BEEN ENGAGED IN CUBAN TRADE PRIOR TO REGISTRY CHANGE AND WAS UNAWARE OF PANAMANIAN RESTRICTIONS ON ITS FLAG SHIPS.

4. ACCORDINGLY DEPARTMENT WISHES TO KNOW IF THE CUBAN PORT VISITS WERE, IN EFFECT, A MISTAKE AND THAT THEY DO NOT SIGNIFY THE BEGINNING OF A CHANGE IN GOP POLICY. IF THIS IS THE CASE AND WE CAN GET ASSURANCES TO THAT EFFECT FROM THE GOP AND THAT NO FURTHER SHIPMENTS ON THEIR FLAG VESSELS WOULD TAKE PLACE, THEN QUESTION OF AID SUSPENSION UNDER SECTION 620(A)(3) OF THE FOREIGN ASSISTANCE ACT (FAA) WOULD NOT ARISE. THE DEPARTMENT IS PREPARED TO PROCEED ON THIS BASIS ONCE WE HAVE RECEIVED APPROPRIATE ASSURANCES FROM THE GOP.

5. FYI. SHOULD GOP NOT GIVE APPROPRIATE ASSURANCES, IT IS POSSIBLE THAT A DETERMINATION COULD BE MADE UNDER A NEW PROVISION OF THE FAA (SECTION 664) WHICH PERMITS A WAIVER OF SECTION 620(A)(3) ON NATIONAL INTEREST GROUNDS. NO SUCH WAIVERS HAVE YET BEEN SOUGHT. DESPITE PROVISION FOR A NATIONAL INTEREST WAIVER, DEPARTMENT POLICY IS TO SEEK COMPLIANCE WITH CONFIDENTIAL

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SECTION 620(A)(3). END FYI.

6. ACTION REQUESTED: EMBASSY SHOULD BRING SUBSTANCE PARAGRAPH 1 ABOVE TO ATTENTION OF APPROPRIATE GOP OFFICIALS AND INQUIRE AS TO CIRCUMSTANCES SURROUNDING NOVEMBER AND DECEMBER CUBAN PORT VISITS. EMBASSY SHOULD DRAW UPON MATERIALS PROVIDED EARLIER (REFS A, E AND F) TO IMPRESS UPON GOP OFFICIALS (1) THAT U.S. POLICY ON

THIRD COUNTRY TRADE WITH CUBA HAS NOT CHANGED, (2) THAT
EXISTING LEGISLATIVE PROVISIONS KNOWN TO THE GOP REMAIN
APPLICABLE, AND (3) OUR CONCERN OVER DETRIMENTAL EFFECT
NEWS OF THIS TRADE WOULD HAVE ON U.S.-PANAMANIAN
RELATIONS. KISSINGER

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EAST WEST TRADE, FOREIGN RELATIONS, POLICIES, CARGO SHIPS, FOREIGN ASSISTANCE LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 08 FEB 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE029161
Document Source: CORE
Document Unique ID: 00
Drafter: HLSTEIN:EMM
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750046-0514
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750259/aaaacbms.tel
Line Count: 120
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: 75 STATE 191557, 75 PANAMA 4973
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2003 by BoyleJA>; APPROVED <24 SEP 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CUBA TRADE: PANAMANIAN FLAG VESSELS ALLEGEDLY STOP AT CUBAN PORT
TAGS: EAID, PFOR, PN, US, CU
To: PANAMA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006